

EXHIBIT D

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CLAUDE GREINER,

Plaintiff,

v.

CADILLAC ACCOUNTS
RECEIVABLE MANAGEMENT, INC.

Defendant.

Case No. 2:19-12479-NGE-RSW

Hon. Nancy G. Edmunds

Claude Greiner
Plaintiff, *In pro per*
13832 Van Dyke
Detroit, MI 48234
(313) 304-1741
claude@metro25.com

Randall J. Groendyk (P37196)
Varnum LLP
Attorneys for Defendant
P.O. Box 352
Grand Rapids, MI 49501-0352
(616) 336-6573
rjgroendyk@varnumlaw.com

AFFIDAVIT OF JON DRACHT

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

Jon Dracht, being duly sworn, deposes and says:

1. I have personal knowledge of the matters set forth in this Affidavit.
2. I am the President and CEO of Cadillac Accounts Receivable Management ("CARM").

3. On September 20, 2018, at 5:47 p.m., CARM employee Danielle Simonton sent a text to Claude Greiner regarding payment of his past due account.

4. On October 8, 2018, at 3:44 p.m., Danielle Simonton sent a second text to Mr. Greiner regarding his past due account.

5. On November 9, 2018, at 1:34 p.m., CARM employee Audrey Lambert sent a text to Mr. Greiner regarding his past due account.

6. On December 13, 2018, at 5:34 p.m., Audrey Lambert sent a second text to Mr. Greiner regarding his past due account.

7. All texts by Ms. Simonton and Ms. Lambert were sent manually.

8. The texts from Ms. Simonton and Ms. Lambert were not sent by an automatic telephone dialing system.


9. The texts from Ms. Simonton and Ms. Lambert included the message "Text 'Stop' to opt out of SMS or 'Payment' to pay online."

10. Mr. Greiner did not reply "Stop" to Ms. Simonton or Ms. Lambert's texts.

11. On January 2, 2020, Mr. Greiner texted "Payment" to CARM, and CARM replied by providing Mr. Greiner with information he requested on how he could make a payment.

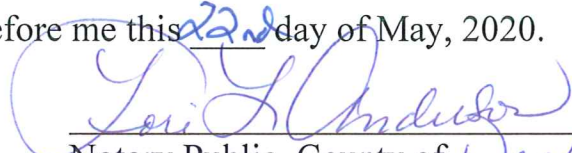
12. Mr. Greiner paid in full his account to Metropolitan Eye Center in the amount of \$148.60 on June 12, 2019.

FURTHER AFFIANT SAYETH NOT.



Jon Dracht

Subscribed and sworn to before me this 22nd day of May, 2020.



Notary Public, County of Wexford,
State of Michigan
Acting in Wexford County, Michigan
My commission expires: 01-25-2021